

**FILED**

MAY 17 2011

Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-2929

**ANDRE L. PARKER, AKA ANDRE  
LAVELL PARKER  
900 E. 113th Street  
Los Angeles, CA 90059  
Vocational Nurse License No. VN 194808**

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about April 11, 2001, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 194808 to Andre L. Parker, aka Andre Lavell Parker ("Respondent"). The Vocational Nurse License expired on August 31, 2010, and has not been renewed.

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1       "(f) Conviction of a crime substantially related to the qualifications, functions, and duties  
2 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
3 evidence of the conviction.

4       ....

5       "(j) The commission of any act involving dishonesty, when that action is related to the  
6 duties and functions of the licensee.

7       "(k) The commission of any act punishable as a sexually related crime, if that act is  
8 substantially related to the duties and functions of the licensee."

9       7.     Section 726 of the Code states:

10       "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,  
11 or customer constitutes unprofessional conduct and grounds for disciplinary action for any person  
12 licensed under this division, under any initiative act referred to in this division and under Chapter  
13 17 of Division 3.

14       8.     Section 2878.6 of the Code, provides, in pertinent part, that a plea or verdict of guilty  
15 or a conviction following a plea of nolo contendere made to a charge substantially related to the  
16 qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction  
17 within the meaning of this article. The Board may order the license suspended or revoked, or  
18 may decline to issue a license, when the time for appeal has elapsed, or the judgment of  
19 conviction has been affirmed on appeal or when an order granting probation is made suspending  
20 the imposition of sentence, irrespective of a subsequent order under the provision of section  
21 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea  
22 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or  
23 indictment.

24       9.     Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
25 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
26 to the qualifications, functions or duties of a licensed vocational nurse.

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## REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 2521, states:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

"(a) Procuring a license by fraud, misrepresentation, or mistake.

...

"(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code.

11. California Code of Regulations, title 16, section 2518.6, states:

"(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by actions that include but are not limited to the following:

...

(2) Documenting patient/client care in accordance with standards of the profession; and

(b) A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

...

(3) Maintaining professional boundaries with the patient/client."

## COST RECOVERY

12. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative

1 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
2 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
3 case."

#### 4 FACTUAL SUMMARY

5 13. On December 27, 1993, Respondent pled guilty to Penal Code section 484(b). The  
6 imposition of judgment was suspended for thirty six (36) months. He received a credit of  
7 eighteen (18) days for time served, and was ordered to pay restitution.

8 14. On or about March 19, 2001, the Board of Vocational Nursing and Psychiatric  
9 Technicians sent a letter of warning to Respondent pursuant to his application for licensure,  
10 indicating that future substantiated reports that Respondent had engaged in similar behaviors or  
11 otherwise violated the law or regulations governing his practice as a vocational nurse may result  
12 in disciplinary action against his license.

13 15. On or about September 6, 2002, after pleading nolo contendere, Respondent was  
14 convicted of one count of violating Vehicle Code section 12500(a) [driving a motor vehicle upon  
15 a highway without a valid driver's license] in the criminal proceeding entitled *The People of the*  
16 *State of California v. Andre Parker* (Super. Ct. Los Angeles County, 2002, Case No.  
17 1IW09546). Respondent was placed on summary probation for a period of 24 months and fined.  
18 The circumstances of the conviction are that on or about September 13, 2001, in the County of  
19 Los Angeles, Respondent drove a motor vehicle upon a highway without a valid driver's license,  
20 in violation of Vehicle Code section 12500(a).

21 16. On or about July 16, 2004, Respondent declared under penalty of perjury in his  
22 license renewal application that since his last renewal of his license he had never been convicted  
23 of or pled nolo contendere to any violation of any law of any state in the United States, even  
24 though on September 6, 2002 he pled nolo contendere to violation of Vehicle Code section  
25 12500(a).

26 17. On March 3, 2005, while employed by Caravan Nurses Corporation, Respondent was  
27 assigned to work at Centinela Freeman Regional Medical Center ("Centinela Freeman"),  
28

1 Inglewood, California. While on duty at Centinela Freeman, he sexually assaulted<sup>1</sup> a female  
2 patient, C. M.<sup>2</sup> ("Patient C.M.") who just underwent a hysterectomy operation at Centinela  
3 Freeman, as follows:

4 (a) Respondent was assigned to provide patient care to patient C.M. While attending to  
5 her, Respondent cupped his hands over Patient C.M.'s breast and licked her nipple. Respondent  
6 also licked Patient C.M.'s vaginal area.

7 18. Subsequently, Patient C.M. filed a lawsuit in Los Angeles Superior Court, Case  
8 number YC052421, against Centinela Freeman, Caravan Nurses Corporation, and Respondent.  
9 Respondent failed to respond, default was entered against Respondent on June 5, 2006, and a  
10 default judgment against Respondent was entered on December 3, 2007, in the amount of  
11 \$750,000<sup>3</sup> (seven hundred fifty thousand dollars). Further, a stipulated judgment in the amount  
12 of \$100,000 (one hundred thousand dollars) was entered against Respondent's employer, Caravan  
13 Nurses Corporation. Additionally, Centinela Freeman, the medical center where Respondent  
14 sexually assaulted Patient C.M., settled for an undisclosed amount with Patient C.M.

15 19. On or about April 2, 2005, Respondent was arrested for lewd conduct with a  
16 prostitute, in violation of Penal Code section 647(a)<sup>4</sup>. The District Attorney's Office filed  
17 disorderly conduct (lewd act) charges against Respondent, and he pled nolo contendere on April  
18 4, 2005. The case was dismissed pursuant to Penal Code section 1382 because the action was not  
19 brought to court in time.

20 20. On or about August 8, 2006, Respondent declared under penalty of perjury in his  
21 license renewal Application that since his last renewal of his license he had never been convicted  
22 of or pled nolo contendere to any violation of any law of any state in the United States, even  
23 though on April 4, 2005 he pled nolo contendere to Penal Code section 647(a).

24  
25 <sup>1</sup> Respondent licked Patient's breast and vulva, touched her labia, put patient's hand on his  
private area (penis) while she was on a Morphine pump.

26 <sup>2</sup> In order to protect the privacy of the victim/patient, her first and last name initials are  
used for the purpose of identification.

27 <sup>3</sup> Actual damages of \$250,000 (two hundred fifty thousand dollars) and punitive  
damages in the amount of \$500,000 (five hundred thousand dollars)

28 <sup>4</sup> Disorderly conduct: Commission of a lewd act.

1           21. On or about August 18, 2008, after pleading nolo contendere, Respondent was  
2 convicted of one count of violating Vehicle Code Section 14601(a) [driving a motor vehicle with  
3 a suspended driver's license], one count of violating Vehicle Code Section 22356(b) [driving in  
4 excess of 70 miles per hour], and one count of violating Vehicle Code Section 16028 [driving  
5 without the proof of insurance] in the criminal proceeding entitled *The People of the State of*  
6 *California v. Andre L. Parker* (Super. Ct. Los Angeles County, 2008, Case No. 8NW01233).  
7 Respondent was sentenced to serve five (5) days for violating Vehicle Code Section 14601(a) and  
8 placed on summary probation for a period of 36 months and fined.

9           22. On or about August 31, 2008, Respondent filed an application for renewal of his  
10 vocational nurse license. Respondent declared under penalty of perjury in his license renewal  
11 application that since his last renewal of his license he had never been convicted of or pled nolo  
12 contendere to any violation of any law of any state in the United States, even though on August  
13 18, 2008 (only two weeks earlier) Respondent pled nolo contendere to violation of Vehicle Code  
14 sections 14601(a), 22356(b), and 16028.

15           23. On or about May 21, 2008, while employed by Elite Care Medical Staffing, LLC,  
16 Respondent was assigned to work at Hanford Community Hospital ("Hanford"), in Hanford,  
17 California. While on duty at Hanford, he sexually assaulted another female patient, Patient T.P.<sup>5</sup>,  
18 who was hospitalized at Hanford for internal bleeding, as follows:

19           (a) Respondent grabbed Patient T.P.'s hand, began to rub his chest with it, and kissed  
20 Patient T.P. Further, Respondent placed his private area inside Patient's mouth. Subsequently  
21 the victim filed a police report with Hanford Police Department, and identified Respondent in a  
22 photographic lineup. Hanford Police Department conducted a tape recorded interview with  
23 Patient T.P.

24           24. On May 21, 2008, at approximately 4:28 a.m., Respondent's supervisor reported that  
25 Respondent had been missing for approximately forty five minutes to one hour prior to being  
26 located inside a patient's bathroom. Further, several narcotics were dispensed by Respondent

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27           <sup>5</sup> In order to preserve the privacy of the patient, her first and last initials are used for the  
28 purpose of identification.

1 without appropriate charting being completed. Respondent was instructed to leave the hospital  
2 facility.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Sexual Abuse of Patient C.M.)

5 25. Respondent is subject to disciplinary action under section 726 of the Business and  
6 Professions Code in that on or about March 3, 2005 while on duty as a licensed vocational nurse  
7 at Centinela Freeman Medical Center, Respondent sexually assaulted Patient C.M. as described in  
8 paragraph 17.

9 26. Complainant refers to and by this reference incorporates the allegations set forth  
10 above in paragraph 17, inclusive, as though set forth fully.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Sexual Misconduct Related to Practice- Patient C.M.)

13 27. Respondent is subject to disciplinary action under section 2878(k) of the Business and  
14 Professions Code in that on or about March 3, 2005 while on duty as a licensed vocational nurse  
15 at Centinela Freeman Medical Center, Respondent sexually assaulted Patient C.M.” as described  
16 in paragraph 17. This type of inappropriate behavior by a vocational nurse to a patient is sexual  
17 misconduct related to practice as described in paragraph 17.

18 28. Complainant refers to and by this reference incorporates the allegations set forth  
19 above in paragraph 17, inclusive, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Mistreatment or Abuse of a Patient- Patient C.M.)

22 29. Respondent is subject to disciplinary action under section 2878(a)(4) of the Business  
23 and Professions Code in that on or about March 3, 2005 Respondent made inappropriate remarks  
24 and touched Patient C.M. inappropriately. This type of inappropriate behavior by a vocational  
25 nurse to a patient is abuse of a sexual nature as described in paragraph 17.

26 30. Complainant refers to and by this reference incorporates the allegations set forth  
27 above in paragraph 17, inclusive, as though set forth fully.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Sexual Abuse of Patient T.P.)

3 31. Respondent is subject to disciplinary action under section 726 of the Business and  
4 Professions Code in that on or about May 21, 2008 while on duty as a licensed vocational nurse at  
5 Hanford Community Hospital, Respondent sexually assaulted Patient T.P. as described in  
6 paragraph 23. This type of inappropriate behavior by a vocational nurse to a patient is sexual  
7 abuse of a patient as described in paragraph 23.

8 32. Complainant refers to and by this reference incorporates the allegations set forth  
9 above in paragraph 23, inclusive, as though set forth fully.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 (Sexual Misconduct Related to Practice-Patient T.P.)

12 33. Respondent is subject to disciplinary action under section 2878(k) of the Business and  
13 Professions Code in that on or about May 21, 2008 while on duty as a licensed vocational nurse at  
14 Hanford Community Hospital, Respondent sexually assaulted Patient T.P. as described in  
15 paragraph 23. This type of inappropriate behavior by a vocational nurse to a patient is sexual  
16 misconduct related to practice as described in paragraph 23.

17 34. Complainant refers to and by this reference incorporates the allegations set forth  
18 above in paragraph 23, inclusive, as though set forth fully.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 (Mistreatment or Abuse of a Patient-Patient T.P.)

21 35. Respondent is subject to disciplinary action under section 2878(a)(4) of the Business  
22 and Professions Code in that on or about May 21, 2008 Respondent touched Patient T.P.  
23 inappropriately and sexually assaulted her. This type of inappropriate behavior by a vocational  
24 nurse to a patient is mistreatment or abuse of a sexual nature as described in paragraph 23.

25 36. Complainant refers to and by this reference incorporates the allegations set forth  
26 above in paragraph 23, inclusive, as though set forth fully.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 37. Respondent is subject to disciplinary action under sections 2878(a)(4), 2878(a)(6),  
4 2878(d) and 2878(e) of the Business and Professions Code as follows:

5 (a) Respondent was assigned to provide patient care to Patient C.M. on or about March 3,  
6 2005. While attending to the patient, Respondent made inappropriate remarks of a sexual  
7 nature and touched Patient C.M. inappropriately as described in paragraph 17. Complainant  
8 refers to and by this reference incorporates the allegations set forth above in paragraph 17,  
9 inclusive, as though set forth fully.

10 (b) Respondent was assigned to provide patient care to Patient T.P. on or about May 21,  
11 2008. While attending to the patient, Respondent sexually assaulted Patient T.P, as  
12 described in paragraph 23. Complainant refers to and by this reference incorporates the  
13 allegations set forth above in paragraph 23, inclusive, as though set forth fully.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 (Commission of Any Act Involving Dishonesty)

16 38. Respondent is subject to disciplinary action under section 2878(j) of the Business and  
17 Professions Code in that Respondent falsified his license renewal applications with regard to his  
18 traffic/criminal convictions. The circumstances are as follows:

19 (a) On or about July 16, 2004, Respondent declared under penalty of perjury in his license  
20 renewal application that since his last renewal of his license he had never been  
21 convicted of or pled nolo contendere to any violation of any law at any state in the  
22 United States, even though on September 6, 2002, he pled nolo contendere to violation  
23 of Vehicle Code section 12500(a). Therefore, Respondent falsified his license renewal  
24 application with regard to his traffic/criminal conviction.

25 (b) On or about August 8, 2006, Respondent declared under penalty of perjury in his  
26 license renewal application that since his last renewal of his license he had never been  
27 convicted of or pled nolo contendere to any violation of any law of any state in the  
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1 United States, even though on April 4, 2005 he pled nolo contendere to Penal Code  
2 section 647(a).

3 (c) On or about August 31, 2008, yet again, Respondent declared under penalty of perjury  
4 in his license renewal application that since his last renewal of his license he had never  
5 been convicted of or pled nolo contendere to any violation of any law of any state in the  
6 United States, knowing that on August 18, 2008 (only two weeks earlier) he pled nolo  
7 contendere to violation of Vehicle Code sections 14601(a), 22356, and 16028.

8 Therefore, Respondent falsified his license renewal application with regard to his  
9 traffic/criminal conviction.

#### 10 **NINTH CAUSE FOR DISCIPLINE**

11 (Procuring a license by fraud, misrepresentation, or mistake)

12 39. Respondent is subject to disciplinary action under section 2521 of California Code of  
13 Regulations, title 16, in that Respondent procured and/or renewed his vocational license on July  
14 16, 2004, August 8, 2006, and again on August 31, 2008, by fraud, misrepresentation and by  
15 committing perjury as set forth above. Complainant refers to and by this reference incorporates  
16 the allegations set forth above in paragraphs 38-39, inclusive, as though set forth fully.

#### 17 **TENTH CAUSE FOR DISCIPLINE**

18 (Making or giving any false statement or information in connection with the license application)

19 40. Respondent is subject to disciplinary action under section 2878(e) of the Business and  
20 Professions Code in that Respondent perjured himself when he filed his license renewal  
21 applications on July 16, 2004, August 8, 2006, and again on August 31, 2008, as set forth above.  
22 Complainant refers to and by this reference incorporates the allegations set forth above in  
23 paragraphs 38-39, inclusive, as though set forth fully.

#### 24 **ELEVENTH CAUSE FOR DISCIPLINE**

25 (Commission of Crime Substantially related to Practice)

26 41. Respondent is subject to disciplinary action under section 2878(k) of the Business and  
27 Professions Code in that on or about April 2, 2005, Respondent was arrested for lewd conduct  
28 with a prostitute, in violation of Penal Code section 647(a). The commission of any act

1 punishable as a sexually related crime like Respondent's lewd act of April 2, 2005 with a  
2 prostitute is substantially related to the duties and functions of the Respondent as a licensed  
3 vocational nurse.

#### 4 **TWELFTH CAUSE FOR DISCIPLINE**

5 (Failure to Adhere to Ethical/Behavioral Standards of Professional Practice)

6 42. Respondent is subject to disciplinary action under section 2878(a) of the Business and  
7 Professions Code and section 2518.6(b) of the California Code of Regulations, title 16 as follows:

8 (a) Respondent was assigned to provide patient care to Patient C.M. on or about March 3,  
9 2005. While attending to the patient, Respondent made inappropriate remarks of a sexual nature  
10 and touched Patient C.M. inappropriately. Complainant refers to and by this reference  
11 incorporates the allegations set forth above in paragraph 16, inclusive, as though set forth fully.

12 (b) Respondent was assigned to provide patient care to Patient T.P. on or about May 21,  
13 2008. While attending to the patient, Respondent sexually assaulted Patient T.P. Complainant  
14 refers to and by this reference incorporates the allegations set forth above in paragraph 23,  
15 inclusive, as though set forth fully.

#### 16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 (Failure to Maintain Professional Boundaries with Patient/Client)

18 43. Respondent is subject to disciplinary action under section 2878(a) of the Business and  
19 Professions Code and section 2518.6 (b)(3) of the California Code of Regulations, title 16 as  
20 follows:

21 (a) Respondent was assigned to provide patient care to Patient C.M. on or about March 3,  
22 2005. While attending to the patient, Respondent inappropriate remarks of a sexual nature and  
23 touched Patient C.M. inappropriately as described in paragraph 17. Complainant refers to and by  
24 this reference incorporates the allegations set forth above in paragraph 17, inclusive, as though set  
25 forth fully.

26 (b) Respondent was assigned to provide patient care to Patient T.P. on or about  
27 May 21, 2008. While attending to the patient, Respondent touched Patient T.P. inappropriately  
28 and sexually assaulted her as described in paragraph 23. Complainant refers to and by this

1 reference incorporates the allegations set forth above in paragraph 23, inclusive, as though set  
2 forth fully.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 (Convictions of Crimes Substantially Related)

5 44. Respondent is subject to disciplinary action under sections 2878(f) and 490 of the  
6 Business and Professions Code in that Respondent was convicted of crimes substantially related  
7 to the qualifications, functions, and duties of a licensed vocational nurse as follows:

8 a) On September 6, 2002, Respondent was convicted, by his guilty plea, of one count of  
9 violating section 12500(a) of the Vehicle Code (unlicensed driver- a misdemeanor) in the  
10 Superior Court of California, County of Los Angeles, Case No. 1IW09546, entitled  
11 *People v. Andre Parker*. The circumstances surrounding the conviction are that on or about  
12 September 13, 2001, Respondent unlawfully drove a motor vehicle while being an unlicensed  
13 driver.

14 b) On or about August 18, 2008, Respondent was convicted, by his plea of nolo  
15 contendere, of one count of violating section 14601.1 of the Vehicle Code (unlawfully driving  
16 with a suspended license- a misdemeanor), in the Superior Court of California, County of Los  
17 Angeles, Case No. 8NW01233, entitled *People v. Andre L. Parker*. The circumstances  
18 surrounding the conviction are that on or about September 13, 2001, Respondent unlawfully  
19 drove a motor vehicle with a suspended license, without the proof of insurance and in excess of  
20 70 miles per hour.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
24 issue a decision:

25 1. Revoking or suspending Vocational Nurse License Number VN 194808, issued to  
26 Andre L. Parker, aka Andre Lavell Parker;

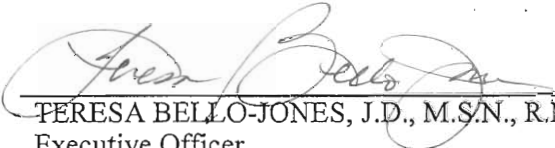
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1           2.    Ordering Andre Lavell Parker to pay the Board of Vocational Nursing and Psychiatric  
2   Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
3   Business and Professions Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.  
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8   DATED: May 18, 2011

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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